



Order Filed on April 1, 2024
by Clerk
U.S. Bankruptcy Court
District of New Jersey

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

IN RE

CHERUBIN VINCENT,

Debtor.

Chapter 13
Case No.: 23-10733
Judge: John K. Sherwood
Hearing Date: March 28, 2024

**ORDER RE: DEBTOR'S MOTION FOR AN ORDER CONFIRMING AUTOMATIC
STAY DOES NOT PROHIBIT HIM FROM FILING A RELATED ADVERSARY
COMPLAINT AGAINST UNSECURED CREDITOR FRESHSTART AND RELATED
COMPANIES AND OFFICERS FOR VIOLATION OF NEW YORK GENERAL
BUSINESS LAW § 349 AND NEW JERSEY CONSUMER FRAUD ACT**

The relief set forth on the following page is hereby **ORDERED**.

DATED: April 1, 2024

A handwritten signature in black ink, appearing to read "J.K. Sherwood", is written over a horizontal line.

Honorable John K. Sherwood
United States Bankruptcy Court

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Case: Cherubin Vincent, Case No. 23-10733

Order: Order Re: Debtor's Motion for an Order Confirming Automatic Stay Does Not Prohibit Him From Filing a Related Adversary Complaint Against Unsecured Creditor FreshStart and Related Companies and Officers for Violation of New York General Business Law § 349 and New Jersey Consumer Fraud Act

THIS MATTER having been opened to the Court upon the motion of Anthony Scordo, attorney for Debtor Cherubin Vincent, for an order confirming automatic stay does not prohibit him from filing a related adversary complaint against unsecured creditor FreshStart Venture Capital Corp. and related companies and officers for violation of New York General Business Law §349 and NJ Consumer Fraud Act [ECF No. 72];

AND the Court having held a hearing on the Motion on March 28, 2024;

AND, as the Court stated on the record at the hearing, the automatic stay does not prevent debtors from commencing adversary proceedings, *see* 11 U.S.C. § 362;

IT IS, therefore, **ORDERED** that the motion is denied.

In re:
CHERUBIN VINCENT
Debtor

Case No. 23-10733-JKS
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-2
Date Rcvd: Apr 02, 2024

User: admin
Form ID: pdf903

Page 1 of 2
Total Noticed: 1

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Apr 04, 2024:

Recip ID	Recipient Name and Address
db	+ CHERUBIN VINCENT, 56 Watson Ave, West Orange, NJ 07052-6017

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Apr 04, 2024

Signature: /s/Gustava Winters

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on April 2, 2024 at the address(es) listed below:

Name	Email Address
Anthony Scordo, III	on behalf of Debtor CHERUBIN VINCENT anthonyscordo@msn.com
Denise E. Carlon	on behalf of Creditor M&T Bank dcarlon@kmlawgroup.com bkgroup@kmlawgroup.com
Eric Raymond Perkins	on behalf of Trustee Eric Raymond Perkins eperkins@becker.legal nj42@ecfbis.com;tcolumbini@becker.legal;eperkins@becker.legal
Gregory R. Milne	on behalf of Creditor FreshStart Venture Capital Corp. grmilne@fsfm-law.com bdicovitsky@fsfm-law.com
Justin Baumgartner	on behalf of Trustee Eric Raymond Perkins jbaumgartner@becker.legal tcolumbini@becker.legal
Laura M. Egerman	on behalf of Creditor M&T Bank laura.egerman@mccalla.com mccallaecf@ecf.courtdrive.com

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Laura M. Egerman

on behalf of Creditor M & T BANK laura.egerman@mccalla.com mcallaecf@ecf.courtdrive.com

Marie-Ann Greenberg

magecf@magtrustee.com

U.S. Trustee

USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 9